CF 107

SINGLE BENCH

(4) (2)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION (C) NO. 7596 OF 2006

13/12/06

PETITIONER : Rameshwar Prasad Son of Shri Shivbhajan, aged about ~~40~~ 10 yrs, Minor: Through his Natural Guardian Father Shri Shivbhajan Son of Shri Sahdev, Resident of Village Baraul, Post Karanji, Police Chowki Karanji, Police Station Jainagar, Tahsil Surajpur, District Surguja (C.G.).

DEFENDANT

P.R. No. 6357/06 Presented by Sh. A. Shukla dated 1-1-06

VERSUS

RESPONDENT : Moharsai Son of Shri Guddu, aged about 46 years, Caste Koir, Occupation Agriculture, Resident of Village Barul, Post Karanji, Police Chowki Karanji, Police Station Jainagar, Tahsil Surajpur, District Surguja (C.G.).

PLAINTIFF

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(63)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक .W.P.7596/06.. **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.1.2007: Shri Ashok Shukla counsel for the petitioner. By this petition the petitioner has impugned the order of annexure P-8 passed by the learned Civil Judge Class II Surajpur, (Sarguja) in Misc. Civil Suit No. 23 /2005 whereby the application under section 151 of the CPC filed by the petitioner in the proceedings under Order 9 Rule 13 of the Code of Civil Procedure has been rejected on the ground that his earlier application for the same relief has been rejected by order of Annexure P-5. Learned counsel for the petitioner submits that the earlier application was rejected on the ground that the respondent was not served and therefore the subsequent application was filed after service of summons on the respondent. I have heard counsel for the petitioner and perused the orders of Annexure P-8 and P-5. This petition is disposed of with a direction to the Court below to decide the application of Annexure P-6 afresh on merit after affording due opportunity of hearing to the parties. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.